

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

EQT PRODUCTION COMPANY,
Plaintiff,

v.

CIVIL ACTION NO.: 1:18-cv-72
(Judge Keeley)

AUSTIN CAPERTON,
in his official capacity as
Secretary of West Virginia Department
of Environmental Protection,
Defendant.

**NATIONAL ASSOCIATION OF ROYALTY OWNERS, APPALACHIA'S
NOTICE OF JOINING THE *AMICUS CURIAE* BRIEF FILED BY
WEST VIRGINIA LAND AND MINERAL OWNERS' ASSOCIATION,
WEST VIRGINIA ROYALTY OWNERS' ASSOCIATION, AND
WEST VIRGINIA FARM BUREAU**

Comes now the National Association of Royalty Owners, Appalachia's ("NARO"), and joins in the *Amicus Curiae* brief previously filed by West Virginia Land and Mineral Owners' Association, West Virginia Royalty Owners' Association and West Virginia Farm Bureau, supporting the position of the Defendant, and further avers:

1. Your *Amicus* National Association of Royalty Owners, Appalachia ("NARO") represents over 300 members in West Virginia who are interested in issues affecting the ownership of mineral interests and real property in West Virginia, including, but not limited to, royalty interests in oil and gas estates. NARO's mission is to encourage and promote exploration and production of minerals in the United States while preserving, protecting, advancing and representing the interests and rights of mineral and royalty owners through education, advocacy and assistance to its members, to NARO chapter organizations, to government bodies and to the public.

2. *Amici* NARO and its constituent members have an interest in this case given its potential impact on the computation of royalty under so-called "flat-rate leases," as well as the right of lessees to continue to take unilateral deductions of post-production expenses from computation of royalty due to its members under the auspices of said flat-rate leases and *W.Va. Code* §22-6-8. These issues directly affect the membership of *amici* and movant believes that its perspective will be of assistance to this Court in resolving the above referenced certified questions. *Amici* and its constituent members own interests in mineral tracts that are frequently bound by old antiquated leases that are held by production.

WHEREFORE, NARO hereby joins as *Amicus Curiae* in the brief previously filed by West Virginia Land and Mineral Owners' Association, West Virginia Royalty Owners' Association and West Virginia Farm Bureau on July 4, 2018, pursuant to Order of the Court dated July 2, 2018.

Respectfully Submitted,

/s/ Howard M. Persinger, III
HOWARD M. PERSINGER, III
WV Bar ID 6943
Persinger & Persinger, L.C.
237 Capitol Street
Charleston, WV 25301
304-346-9333 Phone
304-346-9337 Fax
hmp3@persingerlaw.com

Dated: July 20, 2018

CERTIFICATE OF SERVICE

I, Howard M. Persinger, III, hereby certify that on the 20th day of July, 2018, the foregoing, "**NATIONAL ASSOCIATION OF ROYALTY OWNERS, APPALACHIA'S NOTICE OF JOINING THE *AMICUS CURIAE* BRIEF FILED BY WEST VIRGINIA LAND AND MINERAL OWNERS ASSOCIATION, WEST VIRGINIA ROYALTY OWNERS' ASSOCIATION AND WEST VIRGINIA FARM BUREAU**" was served upon counsel of record through the CM/ECF System, which will notify the following CM/ECF participants:

Williams & Connolly, LLP
Kannon K. Shanmugam, Esq.
Katherine M. Turner, Esq.
Eden Schiffmann, Esq.
Matthew J. Greer (admitted pro hac vice)
725 Twelfth Street, N.W.
Washington, DC 20005

Babst Calland Clements & Zominar, P.C.
Timothy M. Miller, Esq.
Katrina N. Bowers, Esq.
BB&T Square
300 Summers Street, Suite 1000
Charleston, WV 25301

David McMahon, Esq.
1624 Kenwood Road
Charleston, WV 25314

/s/ Howard M. Persinger, III
HOWARD M. PERSINGER, III
(WV Bar ID#6943)
Persinger & Persinger, L.C.
237 Capitol Street
Charleston, WV 25301
304-346-9333 Phone
304-346-9337 Fax
hmp3@persingerlaw.com